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PATENT

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June 6, 2003
Date

Angela S. Long
Angela S. Long

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Digvijay S. Chauhan et al.
Application No. : 09/895,850
Filed : June 29, 2001
For : METHOD AND SYSTEM FOR ENHANCED KNOWLEDGE
MANAGEMENT

Docket No. : 980041.402

Date : June 6, 2003

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181

Commissioner for Patents:

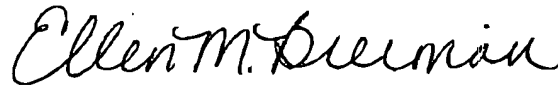
Applicants hereby petition to correct the 119(e) benefit claim in the above-identified application. A Renewed Petition for Filing Date in the priority application, U.S. Provisional Application No. 60/215,590, was filed on March 18, 2003, and granted by the Patent Office on May 19, 2003. A copy of the Decision on Petition is enclosed for your convenience.

The benefit claim (and continuing data) in the above-identified application should read as follows:

"This application claims the benefit under 35 USC 119(e) of U.S. Provisional Application No. 60/215,590, filed June 30, 2000."

Per a telephone conference with Christina Tartera Donnell, Senior Petitions Attorney, no fee is due by way of this petition.

Respectfully submitted,
Digvijay S. Chauhan et al.
SEED Intellectual Property Law Group PLLC



Ellen M. Bierman
Registration No. 38,079

EMB:asl

Enclosure:
Copy of Decision on Petition

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Intellectual Property Law Group PLLC

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June 6, 2003

Ellen M. Bierman
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Facsimile Transmission6 pages including this page**TO: Christina Tartera Donnell, Senior Petitions Attorney**

Fax No.: 703-308-6916

Phone No.: 703-306-5589

RE: U.S. Patent Application No. 09/895,850

Your Reference:

Our Reference: 980041.402☒ Urgent☐ For Review☒ Please Confirm Receipt☐ Please Reply ASAP**Comments:**

Dear Ms. Donnell:

Further to your recent telephone conference with Angie Long, attached is the Petition under 37 C.F.R. § 1.181. Please let us know if you have any questions or require additional information.

**PLEASE DELIVER IMMEDIATELY TO
CHRISTINA TARTERA DONNELL**

If you do not receive all pages, please call Angie Long at (206) 622-4900 or fax our office.

Transmission Information: Date _____ Time _____ By _____

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JUN 6 2003


PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (To be used for all correspondence after initial filing)	Application Number	09/895,850
	Filing Date	June 29, 2001
	First Named Inventor	Digvijay S. Chauhan
	Group Art Unit	
	Examiner Name	
	Attorney Docket No.	980041.402

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Additional Enclosure(s) (please identify below): _____ _____ _____
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Individual Name	Ellen M. Bierman	 00500 PATENT TRADEMARK OFFICE
Signature	<i>Ellen M. Bierman</i>	
Date	June 6, 2003	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being transmitted via facsimile on the date specified below.		
Typed or printed name	Angela S. Long	
Signature	<i>Angela S. Long</i>	Date: June 6, 2003



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SEED INTELLECTUAL PROPERTY
LAW GROUP PLLC

Paper No. 9

Kayla Brant
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MAY 19 2003

OFFICE OF PETITIONS

In re Application of :
Digvijay Chauhan :
Application No. 60/215,590 :
Deposited: June 30, 2000 :
Attorney Docket No. 980041.402P1 :

ON PETITION

This is a decision on the renewed petition filed under 37 CFR 1.53 on March 18, 2003, requesting that the above-identified application be accorded a filing date of June 30, 2000. This petition is properly treated as a petition under 37 CFR 1.183.

The petition is **GRANTED**.

Based on petitioner's assertion in the present renewed petition that the specification on the compact discs filed on June 30, 2000, are a true copy of the specification supplied on July 3, 2001, and that petitioner's rights will be prejudiced if the application is not accorded a filing date of June 30, 2002, it is determined, for purposes of this decision only, that justice requires a waiver of the rules.

Petitioner is strongly cautioned that this decision is limited to the specific circumstances of this case, and that in the future all application papers must be filed in accordance with 37 CFR 1.52. Waiver of the rules is not warranted when a party makes an avoidable mistake in filing papers.¹ The failure to

¹ See Nitto Chemical Industry Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight

Application No. 60/215,590

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file application papers in the proper format may lead to the loss of entitlement to a filing date as of the date of deposit of the application papers.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a **filing date of June 30, 2000**, using the application papers filed on that date, the provisional application coversheet submitted on October 30, 2000, and the copy of the specification supplied on July 3, 2001, as the original disclosure.

The Office finance records indicate that petitioner paid the \$55.00 surcharge for the late filing of a provisional application cover sheet. However, it does not appear that petitioner paid a petition fee. Accordingly, the \$130.00 petition fee will be charged to Deposit Account No. 19-1090, as authorized by petitioner.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183); Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail"), *aff'd without opinion*, 95 F.3d 1166 (Fed. Cir.1996); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pats. 1985) (counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); In re Chicago Historical Antique Automobile Museum, Inc., 197 USPQ 289 (Comm'r Pats. 1978) (since Certificate of Mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation).